

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 17, 18, 30, 37, 50, 55, and 56 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-28 and 30-58 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §102:

A. Rejection in view of Yamashita et al.

In the Office Action at pages 2-3, the Examiner rejects claims 1, 17-20, 26-28, 30, 50-53, and 55-57 under 35 U.S.C. §102 in view of Yamashita et al. (U.S. Patent No. 5,982,734). This rejection is respectfully traversed and reconsideration is requested.

By way of review, Yamashita et al. discloses a disk package P having a case 1. A jumper card 20 having identification holes 22a through 22d is disposed on a bottom side 1(f) of the case 1. When the disk package P is installed at a disk loading area B of a disk drive housing A, detecting pins 24a through 24d are urged upward to press against the corresponding identification holes 22a through 22d. The pin 24a forms a ground, with each remaining pin 24b through 24d producing a 1 or 0 as shown in FIGs. 6A and 6B according to whether the pin 24b through 24d contacts the card 21 so as to complete a circuit through ground pin 24a. (Col. 8, lines 3-38; FIGs. 4-6B). However, since pins 24a through 24b are only urged to the holes 22a through 22d after the disk package P is stationary within the loading area B, and since allowing such motion would affect the ability of the pin 24a to form a ground, Yamashita et al. does not suggest that the detected 0s and 1s shown in FIG. 6B are detected as the card 21 is moving, or that the individual detected 0s and 1 shown in FIG. 6B are sequentially detected as the package P is moved.

In contrast, claim 1 recites, among other features, that " the probing portion is selectively pressed by said identification unit to produce a sequence of information to determine the type of the disc," with "the sequence of information being produced as elements of the sequence are sequentially detected by the probing portion as the case moves past the probing portion." As such, it is respectfully submitted that Yamashita et al. does not disclose or suggest the invention recited in claim 1.

For at least similar reasons, it is respectfully submitted that Yamashita et al. does not disclose or suggest the invention recited in claims 18, 50, and 55.

Additionally and as shown in FIGs. 6A and 6B, Yamashita et al. discloses using one pin 24a through 24d for each hole 22a through 22d. There is no suggestion that one of the pins 24a through 24d is received in multiple holes 22a through 22d, or that the 1s and 0s shown in FIG. 6B are produced by only one pin 24 as opposed to the multiple pins 24a through 24d. In contrast, claim 17 recites, among other features, that each of the identification units are "detected by a common element of the probing portion such that the probing portion produces a sequence of information to determine a type of the information recording medium." As such, it is respectfully submitted that Yamashita et al. does not disclose or suggest the invention recited in claim 17.

For at least similar reasons, it is respectfully submitted that Yamashita et al. does not disclose or suggest the invention recited in claims 20, 53 and 57.

Also, since there is no disclosed relative motion between the pins 24a through 24d when the shown sequence of 1s and 0s are detected as shown in FIG. 6B, it is respectfully submitted that Yamashita et al. does not disclose or suggest, among other features, that "the sequence of the information is produced as said identification units move relative to the probing portion" as recited in claim 18.

For at least similar reasons, it is respectfully submitted that Yamashita et al. does not disclose or suggest the invention recited in claims 30, 51, and 56.

Further, since the 1s and 0s shown in FIG. 6B are detected when the disk package P is

stationary when in the loading portion B, Yamashita et al. suggests that the pins 24a through 24d detect the 1s and 0s after insertion as opposed to during insertion of the package P. As such, it is respectfully submitted that Yamashita et al. does not disclose or suggest, among other features, that "the probing portion detects said identification units during insertion into the apparatus" as recited in claim 19.

For at least similar reasons, it is respectfully submitted that Yamashita et al. does not disclose or suggest the invention recited in claim 52.

Lastly, the Examiner asserts that FIG. 5 of Yamashita et al. teaches the features of claim 30 for the same reasons that Yamashita et al. teaches the features of claim 1. However, FIGs. 5 and 6A of Yamashita et al. show that the identification holes 22a through 22d are on the bottom side 1f of the case 1. There is no suggestion that the identification holes 22a through 22d are or should be on another side of the case 1. Therefore, it is respectfully submitted that Yamashita et al. does not suggest, among other features, that "said case further comprises a top side disposed above or below a recording surface of the information recording medium, and a second side disposed adjacent the top side," and "said identification units are disposed on the second side" as recited in claim 30.

For at least similar reasons, it is respectfully submitted that Yamashita et al. does not disclose or suggest the invention recited in claim 56.

Claims 26-28 are deemed patentable due at least to their depending from claim 17.

#### B. Rejection in view of Mistretta

In the Office Action at page 3, the Examiner rejects claims 17-20, 26-28, 37 and 55 under 35 U.S.C. §102 in view of Mistretta (U.S. Patent No. 5,548,571). This rejection is respectfully traversed and reconsideration is requested.

On pages 3 and 5 of the Office Action, the Examiner notes that holes h of Mistretta are disposed on a top side of the cartridge and that the support 16 is a part of the carrier and extends across at least a portion of the surface of the recording medium. By way of review,

Mistretta discloses a carrier 30 that is removed from a caddy 10 when inserted in a disk drive as shown in FIG. 1. As such, even assuming arguendo that the holes h are disposed on a top surface of the carrier 30 and that the support 16 is considered part of the same surface, there is no disclosure the holes h are disposed on the caddy 10 or that the carrier 30 includes an opening which is covered.

In contrast, claim 17 recites, among other features, a disk cartridge including "a case having sides defining an inner space to accommodate the information recording medium therein and an opening/closing member which opens and closes an opening through which the information recording medium is accessed, a first one of the sides being disposed above or below and extending across at least a portion of a recording surface of the information recording medium" and "identification units disposed on the first side." As such, it is respectfully submitted that Mistretta does not disclose or suggest the invention recited in claim 17.

For similar reasons, it is respectfully submitted that Mistretta does not disclose or suggest the invention recited in claims 37 and 55.

Claims 18-20 and 26-28 are deemed patentable due at least to their depending from claim 17.

C. Rejection in view of Uwabo et al.

On page 4 of the Office Action, the Examiner rejects claims 17-20, 26-28, 30, 55, and 56 under 35 U.S.C. §102(b) in view of Uwabo et al. (U.S. Patent No. 5,940,255). The rejection is traversed and reconsideration is requested.

Among other features, the Examiner asserts on page 4 of the Office Action that type identifier holes 97, 117, 119, large-capacity identifier hole 89, and switch 137 or 141 of Uwabo et al. correspond to the identification units and probing portion as recited in claim 17. On page 5 of the Office Action, the Examiner further clarifies that switches 137, 139 sequentially detect the holes 89, 97.

By way of review, claim 17 recites, among other features, "each of the identification units

being detected by a common element of the probing portion such that the probing portion produces a sequence of information to determine a type of the information recording medium." In contrast, Uwabo et al. discloses a disc drive 121 having a large capacity detecting switch 137 at a position corresponding to the large capacity identifier hole 89, and a first type detecting switch 139 at position corresponding to the type identifier hole 97. As such, once the disc 111 is inserted into the disc drive 121, the switches 137, 139 are in position to detect their corresponding holes 89, 97 as shown in FIG. 11B and set forth in col. 9, lines 33-36 & 55-58. There is no suggestion that one of the switches 137, 139 detects both holes 89, 97.

Therefore, it is respectfully submitted that Uwabo et al. does not disclose or suggest, among other features, "each of the identification units being detected by a common element of the probing portion" as recited in claim 17.

For similar reasons, it is respectfully submitted that Uwabo et al. does not disclose or suggest the invention recited in claim 20.

Additionally, since the switches 137, 139 are disposed at predetermined locations to correspond to the locations of the holes 89, 97 at which the inserted disk 111 is maintained within the disk drive 121 as shown in FIG. 11A, the on-off conditions of the switches 137, 139 used to identify the disk 111 are used on an already inserted disk 111 when in the position as shown in FIG. 11A. (Col. 9, lines 28-64; FIG. 11A, 11B). However, there is no suggestion that one of the switches 137, 139 detects a sequence of holes 89, 97 as the disk 111 moves past the switches 137, 139, or that the switches 137, 139 move relative to the disk 111 to produce a sequence. As such, it is respectfully submitted that Uwabo et al. does not disclose or suggest, among other features, that "the sequence of the information is produced as said identification units move relative to the probing portion such that corresponding elements of the sequence are sequentially detected" as recited in claim 18.

For at least similar reasons, it is respectfully submitted that Uwabo et al. does not disclose or suggest the invention recited in claim 55.

Further, while Uwabo et al. discloses that the switches 137, 139 perform detection on an inserted disk 111, there is no suggestion that the switches 137, 139 perform the detection of the holes 89, 97 prior to the insertion or at other times when the disk 111 is in motion. As such, it is respectfully submitted that Uwabo et al. does not disclose or suggest, among other features, that "said identification units are disposed on said case in a line such that the probing portion detects said identification units during insertion into the apparatus" as recited in claim 19.

Lastly, Uwabo et al. discloses that notches 155, 157, 159 are positioned on the disk 111 such that, if at least one notch 155, 157, or 159 is detected by a switch, the disk 111 is identified as a large capacity flexible disk. If none of the notches 155, 157, or 159 are detected, the disk 111 is determined to be the another flexible disk. (Col. 11, lines 49-64). However, Uwabo et al. discloses that the detection occurs on an already inserted disk 111 as shown in FIG. 11B and 11C.

In contrast, claim 30 recites, among other features, "identification units disposed on said case to be sequentially detected by the probing portion of the apparatus to produce a sequence of information to determine a type of the information recording medium" where "the sequence of the information is produced by a relative motion between said identification units and the probing portion." As such, it is respectfully submitted that Uwabo et al. does not disclose or suggest the invention recited in claim 30.

For similar reasons, it is respectfully submitted that Uwabo et al. does not disclose or suggest the invention recited in claim 56.

Claims 26-28 are deemed patentable due at least to their depending from claim 17.

**STATUS OF CLAIMS NOT REJECTED:**

On page 5 of the Office Action, the Examiner allows claims 14-16, 21-25, 31-36, 38-49, 51, 54, and 58, and objects to claims 2-13 as depending from a rejected claim.

As a point of clarification, claims 2-13 are not depending from a rejected claim. As such,

it is respectfully requested that the Examiner reconsider the objection to claims 2-13.

Additionally, while claim 51 is rejected as set forth above in Section A,

**CONCLUSION:**

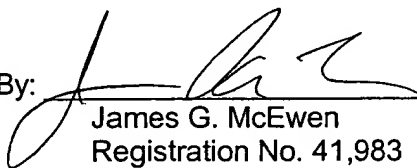
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 19-3935.

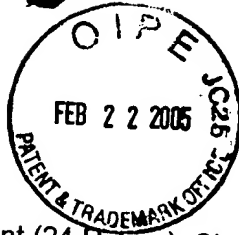
Respectfully submitted,

STAAS & HALSEY LLP

By:   
James G. McEwen  
Registration No. 41,983

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

Date: Oct. 1, 2004



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Fee Transmittal Sheet; Amendment (24 Pages); Cheque in the amount of \$ 88.00

APPLICANT(S): Sun-mo KIM, et al.  
SERIAL NO: 09/986,982  
CONFIRMATION NO. 6017  
TITLE: DISC CARTRIDGE AND DISC DRIVE APPARATUS  
FILING DATE: November 13, 2001  
DOCKET NO: 1293.1272/JGM:lep  
DUE DATE: October 31, 2003

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